

NOTICE

*Memorandum decisions of this Court do not create legal precedent. See Alaska Appellate Rule 214(d) and Paragraph 7 of the Guidelines for Publication of Court of Appeals Decisions (Court of Appeals Order No. 3). Accordingly, this memorandum decision may not be cited as binding authority for any proposition of law.*

IN THE COURT OF APPEALS OF THE STATE OF ALASKA

ANTHONY M. KING JR.,

Appellant,

v.

MUNICIPALITY OF ANCHORAGE,

Appellee.

Court of Appeals No. A-12181  
Trial Court No. 3AN-14-7199 CR

MEMORANDUM OPINION

No. 6270 — January 20, 2016

Appeal from the District Court, Third Judicial District,  
Anchorage, David Wallace, Judge.

Appearances: Justin A. Tapp, Denali Law Group, Anchorage,  
for the Appellant. Sarah E. Stanley, Assistant Municipal  
Prosecutor, and William Falsey, Municipal Attorney,  
Anchorage, for the Appellee.

Before: Mannheimer, Chief Judge, Allard, Judge, and Coats,  
Senior Judge.\*

Senior Judge COATS.

A jury convicted Anthony M. King Jr. of assaulting his girlfriend. King argues that there was insufficient evidence to support the jury's verdict because the girlfriend's initial report to the police was "riddled with inconsistencies" and

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\* Sitting by assignment made pursuant to Article IV, Section 11 of the Alaska Constitution and Administrative Rule 23(a).

contradicted by her later testimony at King’s trial. Having reviewed the record, we conclude that there was sufficient evidence to support the jury’s verdict. We therefore affirm King’s conviction.

*Facts and proceedings*

At about midnight on August 11, 2014, Laura Gregory told the Anchorage police that her boyfriend, Anthony King, hit her on the left side of her face earlier that evening after she accidentally broke a bottle of his cologne. Gregory told the police that King hit her hard enough to lift her off her feet, and that she hit her head on something. She said her ears were still ringing. Gregory said she was afraid King would retaliate against her for reporting the assault.

Officer Arn Salao observed that Gregory had swelling and a small red mark on her left cheek. He also observed that Gregory appeared to be intoxicated. Gregory admitted to Salao that she had been drinking, but she said she “barely had anything.”

Based on this evidence, King was charged under the Anchorage Municipal Code with assault.<sup>1</sup> At King’s trial, Salao testified about his observations of Gregory and her report of the assault. The Municipality also introduced photographs of the injury to Gregory’s face and played the audio recording of her statement to the police.

However, when Gregory took the stand she contradicted her earlier report. She said that she and King broke up on August 10 and that the breakup was “heart-wrenching,” but she denied being assaulted and said she had no recollection of talking to the police. She said that, after the breakup, she “kept drinking and drinking,” and that her lack of memory might be due to her alcohol consumption. Gregory said she still loved King.

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<sup>1</sup> AMC 8.10.010.B.1.

After hearing this evidence, the jury convicted King of the charged assault. He appeals.

*Why we conclude that the jury's verdict was supported by sufficient evidence*

King argues that the jury had insufficient evidence to convict him of assaulting Gregory.<sup>2</sup> To support this claim, he points to weaknesses and inconsistencies in Gregory's initial report to the police, and to Gregory's later testimony that there was no assault.

When we consider a claim that the jury had insufficient evidence to support a conviction, we do not assess the credibility of the witnesses; that assessment lies exclusively within the province of the jury.<sup>3</sup> Instead, we view the evidence, and all reasonable inferences to be drawn from the evidence, in the light most favorable to the jury's verdict.<sup>4</sup> In other words, we resolve "all conflicts and doubts presented by the evidence in favor of the jury's verdict," and then ask whether, viewing the evidence in that light, "a reasonable fact-finder could have concluded that the [government's] case was proved beyond a reasonable doubt."<sup>5</sup>

Viewed in this light, the evidence was sufficient to establish that King assaulted Gregory as charged.

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<sup>2</sup> AMC 08.10.010.B.1 ("A person commits an assault if: ... [t]hat person recklessly causes physical injury to another person[.]").

<sup>3</sup> *Anthony v. State*, 521 P.2d 486, 492 (Alaska 1974).

<sup>4</sup> *Morrell v. State*, 216 P.3d 574, 576 (Alaska App. 2009); *Daniels v. State*, 767 P.2d 1163, 1167 (Alaska App. 1989).

<sup>5</sup> *Johnson v. State*, 188 P.3d 700, 702 (Alaska App. 2008).

*Conclusion*

The judgment of the district court is AFFIRMED.